

Title III Monitoring Protocol

Title III, Part A

The Utah State Office of Education together with its partner, US Department of education and the Office of Civil Rights (OCR), is charged with the responsibility of enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. In *Lau vs. Nichols*, the U.S. Supreme Court affirmed the US Department of Education's May 25, 1970, memorandum that directed LEAs to take steps to help English Language Learners overcome language barriers and to ensure that they can participate meaningfully in the LEAs' educational programs.

The No Child Left Behind Act of 2001 (NCLB) Title III part A requires the state educational Agency (SEA) to monitor the implementation of program requirements and the expenditure of federal funds. Monitoring Title III at the local level to ensure compliance with regulations, as well as to assure the quality of the program and the instructional delivery being utilized with English Language Learners, is a primary focus of the USOE Title III team. Title III of the NCLB requires the Utah State Office of Education to report annually on the progress of English Language Learners toward English proficiency. It is also charged with the responsibility of providing quality assistance to LEAs serving English Language Learners.

The USOE Title III team monitoring process consists of three parts:

Part I. LEA Self-Assessment

A. Procedures:

The Self-Assessment is an opportunity for the Local Educational Agencies (LEAs) to utilize the Self-Assessment Report to ensure that their system is in compliance with the NCLB Act of 2001, Title III, Part A regulations. Questions concerning the use of the Self-Assessment Report should be directed to the USOE Title III Team.

All LEAs will complete the Self-Assessment. Although all LEAs need be monitored on a cycle, based on the information gathered from the Self-Assessment Report and other data sources, the USOE Title III team will select LEAs to participate in the on-site monitoring process.

The Self-Assessment process provides LEAs with the necessary guidance to maintain high standards for compliance and program delivery. Self-Assessments will be conducted by LEA for each fiscal year that the local program does not receive an on-site visit.

B. Steps for completing the LEA Self-Assessment:

1. Following guidance provided in the Self-Assessment, each LEA will maintain documentation for each Element of the Self-Assessment Report.
2. The LEA determines if the criteria for each component were met or not met. If analysis of the self-assessment reveals non-compliance for any criterion, the LEA must
 - a) Establish a plan and timeframe for resolution; and
 - b) Identify the Person(s) responsible for the implementation.

3. Upon receipt, the USOE Title III team reviews the Self-Assessment Report. If an on-site visit is needed, the USOE Title III team will schedule the visit and any follow-up.
4. The Self-Assessment must be maintained with supporting documentation. The LEA's master file and documentation should be made available to the USOE Title III Team upon request.
5. LEAs may request technical assistance by contacting the USOE Title III Team any time during the self-assessment process.
6. If findings result from the USOE review of the Self-Assessment, the LEA will be required to develop and implement a Corrective Action Plan addressing each finding.

Part II. On-Site Monitoring and Technical Assistance Visit

The on-site visits to LEAs are designed to ensure compliance and provide technical assistance. Each year, selected LEAs will participate.

- A. Selection of LEAs for on-site visit is based on the following:
 1. LEAs which do not meet accountability measures because of the ELL subgroup.
 2. Any findings resulting from the USOE review of the Title III monitoring instrument.
 3. Any formal complaint filed with USOE regarding Title III.
 4. High risk factors, including deficiencies on record, corrective action plan status, etc.
 5. LEAs will be monitored based on 5 year cycle.
- B. Preparation Prior to On-Site Visit
 1. The Title III Team will notify the LEA Superintendent, the ALS Director/Title III coordinator of the scheduled date for the on-site monitoring visit and the focus of the visit.
 2. Prior to monitoring visit, the assigned USOE Title III Team member will review the current versions of the following documents:
 - a) Approved Title III CUSAP form for budget and expenditures.
 - b) Annual Self-Assessment Report.
 - c) Any findings from the USOE Title III Team review of the annual Self-Assessment Report.
- C. On-Site Monitoring
 1. The on-site visit will last from one to two days depending on the size of the LEA, the scope of the visit and the findings under investigation.
 2. The on-site monitoring will begin with a meeting with district leadership, including LEA ALS Director/Title III coordinator.
 3. USOE staff will review program documentation and interview stakeholders.
 4. Site visits to school may be conducted to confirm and support the LEA's written descriptions and plans.

5. At the conclusion of the visit, an exit interview with the ALS Director/Title III coordinator and the Superintendent or superintendent designee will be held. The monitoring team will follow up with additional contact(s) as necessary.

Part III. Monitoring and Technical Assistance Feedback and Follow-Up

- A. Report - Within 30 days of the on-site visit, USOE Title III staff will provide a report to the LEA Superintendent, with a copy to the ALS Director/Title III coordinator.
- B. LEA Response - Upon receipt of the USOE Title III monitoring report, the LEA has thirty (30) calendar days to respond to any findings of noncompliance and required corrective actions. Any supporting documentation related to the findings must be included.
 1. The LEA may seek assistance from the assigned USOE Title III monitoring specialist to develop strategies and timelines for resolving the issues.
 2. USOE Title III Team member will review the LEA written response to determine the appropriate corrective action has been developed and will respond within 30 business days of receipt to inform the LEA of the status of its monitoring report. LEA status may be designated as follows:
 - a) Cleared
 - b) Unresolved pending follow-up visit or receipt of additional information
 3. The response letter will be sent to the LEA Superintendent with a copy to ALS Director/Title III coordinator.
 4. USOE Title III Team will monitor the implementation of the LEA's Corrective Action Plan. LEAs that fail to correct deficiencies outlined in the approved Corrective Action Plan within the timelines developed may be subject to delay of federal funds until corrective actions are implemented.
- C. Report Analysis – The USOE Title III Team will maintain a record of all monitoring reports. Summary analyses of the findings and recommendations of reports will be used to aid the Department in providing leadership and technical assistance to LEAs.